

REMARKS

Claims 1-8, 19, 20, and 25-26 stand rejected. Applicant has amended Claims 1 and 19. Amended Claims 1 and 19 find support throughout the specification, including in paragraphs [0053]-[0059] and Figure 1. Thus, Claims 1-8, 19, 20, and 25-26 are pending in the application and are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 USC § 103

The Examiner rejected Claims 1-8, 19-20, and 25-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,987,611 (“Freund”) in view of U.S. Patent No. 5,801,747 (“Bedard”) and in further view of U.S. Patent No. 6,486,892 (“Stern”). The Examiner cited Freund for teaching the claimed “central device” but did agree “with the differences the applicant is arguing about the applicant’s invention and the prior art.” Office Action, p.2. The examiner explained that the pending claims “do not require all communication from the client to pass through the ‘central device’.” Id. Accordingly, applicant has amended both independent claims along the lines suggested by the examiner. Claims 1 and 19, respectively, recite, “determining within a central device of a local area network a content category of each Internet site that a user is accessing” and “means that when executed by the central device determines a content category of each Internet site that a user is accessing.” Applicant respectfully submits that the applied prior art does not teach at least the recited step and structure.

To establish a *prima facie* case of obviousness, the Examiner must establish that the prior art reference (or references when combined) render all of the claim limitations obvious: “All words in a claim must be considered in judging the patentability of that claim against the prior art.” (*In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (CCPA 1970); *see also M.P.E.P. § 2143.03*.) Further, the Examiner must clearly articulate reasons why the claimed invention would have been obvious, with some rational underpinning to support the legal conclusion of obviousness, and taking into consideration how a person of ordinary skill would have understood the prior art teachings. (M.P.E.P. §2141). Finally, even if a *prima facie* case of obviousness is established, this can be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. M.P.E.P. §2144.05 (III), *citing In re Geisler*, 116 F.3d 1465, 1471

(Fed. Cir. 1997). For example, it is well-established that “it is improper to combine references where the references teach away from their combination.” (MPEP 2145(x)(D)(Emphasis added); See *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)). A *prima facie* case of obvious cannot be supported for Claims 1 and 19 as Freund, Bedard, and Stern fail to disclose all of the elements of these claims, and as Freud explicitly teaches away from the combinations proposed by the examiner.

Freund teaches client based monitoring and filtering and does not disclose “determining within a central device of a local area network a content category of each Internet site that a user is accessing” as substantially recited by Claims 1 and 19. Specifically, Freund states, “the present invention provides a system and methods for client-based monitoring and filtering of access.” See Freund Column 12 Lines 45-48. Freund further states, “in accordance with the present invention, a central filter is not employed.” (Emphasis added). See Freund Column 12 Lines 48-49. Freund additionally discloses a central filter supervisor that maintains access rules for the client based filter and verifies the proper functioning of the client based filter application. See Freund Column 12 Lines 58-61. Additionally, the central supervisor “monitors whether a client has the filter application loaded and provides the filter application with the rules for the specific user or workstation.” See Freund Column 14 Lines 3-5. Thus, Freund teaches the main filtering task that is performed at the client device and a central supervisor that monitors the client based filter. As the central supervisor monitors the client device, it does not determine “a content category or each Internet site that a user is accessing” as substantially recited in Claims 1 and 19. Accordingly, Freund does not teach all of the features recited in Claims 1 and 19.

Both Bedard and Stern fail to remedy the deficiency of Freund. Both Bedard and Stern teach implementations that amount to client-based filtering and do not teach central filtering. See Bedard Column 3, lines 4-8 and Column 8, Lines 2-6; and Stern Column 4, lines 63-65 (“system 1 is shown to consist of a client 2 on which the guide software application (Guide) 3 resides”). Accordingly, Freund, Bedard, and Stern do not teach “determining within a central device of a local area network a content category of each Internet site that a user is accessing” or “means that when executed by the central device determines a content category of each Internet site” as recited in Claims 1 and 19 and therefore do not support a *prima facie* case of obviousness.

Further, Freund teaches away from the combinations proposed by the examiner. With respect to the use of a central device, Freund states, “such an approach is problematic” because “the centralized nature of firewalls and proxy servers . . . extracts significant performance penalties.” See Freund, Column 2, Lines 41-44. For example “a single server might have to do the filtering work for hundreds or even thousands of PCs or workstations.” See Freund, Column 2, Lines 44-46. This set-up “represents a major bottleneck to overall system performance . . . even when client PCs are idly awaiting data.” See Freund, Column 2, Lines 46-49. Freund further explains that “centralized filter architectures are missing vital information to correctly interpret the data packets because the underlying protocols were designed for effective data transfer and not for data monitoring and interception.” See Freund, Column 2, Lines 59-64. As Freund teaches that the features recited in Claims 1 and 19 are “problematic,” extract “significant performance penalties,” create “major bottleneck[s] to overall system performance,” and “are missing vital information to correctly interpret the data packets,” it would be improper to combine Freund with another reference to render obvious all of the features recited in Claims 1 and 19.

As neither Freund, Bedard, nor Stern teach “determining within a central device of a local area network a content category of each Internet site that a user is accessing” or “means that when executed by the central device determines a content category of each Internet site” as recited in Claims 1 and 19, and as Freund teaches away from such a combination, a *prima facie* case of obviousness cannot be supported by the applied art. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to Claims 1 and 19.

Claims 2-8, 20, and 25-26 depend directly or indirectly from one of independent Claims 1 or 19 and, thus, are patentable for at least the same reasons that support the allowance of the respective claim from which they depend.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

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Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the methods recited by the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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